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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,463	11/21/2003	Bruce A. Williams	3044-73785	2599
23643 7590 05/03/2007 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER VARGOT, MATHIEU D	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,463

Applicant(s)

WILLIAMS, BRUCE A.

Examiner

Mathieu D. Vargot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Upon reconsideration, the restriction requirement has been vacated and an action hereby follows on all the claims.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirata et al (see Figs. 4A and 4B, in particular the notches at the bottom of the container and the upper ledge).

Hirata et al (see Figs. 4A and 4B) discloses the instant process of manufacturing a molded container as set forth in amended claims 1 and 9. The image-carrying sheet (6) is inserted into the cavity and apparently rests on lower end 6E, which stabilizes the sheet from moving—see col. 5, lines 6-10. It is submitted that the lower end of the cavity constitutes the instant “set of stand-offs” and it is noted that the molded container has the instant notches (see the bottom of Fig. 4B) that appear to extend “radially all the way through the container wall” as they are open in the front and apparently in the back as set forth in amended claim 1. It is submitted that the process as depicted in Figs. 4A and 4B meet the limitations set forth in claims 9 and 10. The branched flow past the disk-like portion is shown in Fig. 4A and the aspect of the top edge of the sheet extending below a radially extending shoulder portion—ie, the upper annular lip—is shown in Fig. 4B. Clearly, the top of the sheet lies below the annular lip.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-11 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al.

Hirata et al discloses the basic claimed method as set forth in paragraph 2, supra, the applied reference failing to—1) explicitly disclose that the notches shown in Fig. 4B extend all the way across the container; 2) teach the domed central region at the bottom of the disk; 3) teach necessarily that a gate is coupled to the die set wherein the gate includes the stand-offs; and 4) disclose the instant resin flow path involving two disk-like portions as set forth in amended claim 17. Each item will be discussed. Concerning the first item, if claim 1 is not anticipated by Hirata et al, then it is obvious thereover. Note that in the legged embodiment, the container has wide grooves extending across the bottom and these grooves are essentially no more than wide notches. It is respectfully submitted that the second and fourth aspects constitute no more than obvious design modifications to the container shown in Hirata et al. Certainly, the instant domed bottom and dual disk-like portions are well known in the art and would have been obvious modifications to the process of the applied reference to form the desired container shape. As already noted, the domed portion acts as a buffer to distribute the resin gradually. Applicant is certainly not the first to make containers with these structural features and one of ordinary skill in this art would have been expected to

know of the different container designs and be able to adapt the general process of Hirata et al to make them as desired. The female mold portion 9 of Hirata et al is mated with male core 8 to form the molding cavity. One or the other of these mold portions must contain the gate through which the resin is injected, and one of ordinary skill in the art would have found it obvious to couple the gate to the female. Having the gate portion contain the stand-offs—ie, the bottom end 6E in Fig. 4A—would have been an obvious mold design.

4. Claims 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al in view of Raymond et al 2005/0053737 essentially for reasons of record, Hirata et al being applied as set forth in this action and Raymond et al as set forth previously.

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the amendments to the claims, new art to Hirata et al has been found which renders claims 1 and 9 and their dependents as unpatentable. As already noted, claim 1 is either anticipated by Hirata et al or obvious thereover. Clearly, claims 9 and 10 are anticipated by Hirata et al. Also, the amendment to claim 17 is submitted to not be patentable over the prior art. It is well known to make cups with two annular edges or lips and that is all that is the only difference between instant claim 17 and Hirata et al.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
April 27, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

4/27/07